

REMARKS

This amendment is responsive to the Office Action mailed May 27, 2003 wherein claims 1-8 and 10-17 were rejected under 35 USC 102(e) as being unpatentable by Fujita et al. (US Patent 6,169,401) and claim 9 was rejected under 35 USC 103(a) as being unpatentable over Fujita et al in view of Eberler et al (US Patent 6,232,548). Also, in the Office Action, claims 1-17 were rejected under the judicially created doctrine of double patenting over claims 1-8 of US Patent 6,538,441. In this amendment, no amendments have been made and a terminal disclaimer has been filed. No new matter has been added.

Claims 1-17 remain pending in this application. Reconsideration in light of the above amendments and the following remarks is respectfully requested.

The rejection of claims 1-8 and 10-17 over the Fujita reference are respectfully traversed. Independent claims 1 and 11 each recite a radio frequency (RF) coil assembly adapted to resonate at substantially high frequencies, the RF coil assembly having a plurality of conductors of selected length and selected width to minimize inductance. "Anticipation requires the disclosure in a single prior art reference of each element of the claim under construction." W.L. Gore & Associates v. Garlock, Inc. 220 USPQ 303, 313 (Fed. Cir. 1983). The Fujita reference does not disclose each element of the present invention as claimed in independent claims 1 and 11. Specifically, the Fujita reference does not show or suggest Applicants' conductors of selected length and width for minimizing conductor inductance. The Fujita reference merely discloses a quadrature highpass RF surface coil assembly. Nowhere does the Fujita reference show, disclose or teach conductors of selected width for minimizing conductor inductance. By contrast, the Fujita reference merely discloses an odd number, preferably five, of capacitive legs or elements having differing lengths and further teaches that the spacing between capacitive legs may be adjusted to alter the detectable current densities in the view field. Nowhere does the Fujita reference teach, disclose or show elements having a selectable width and nowhere does the Fujita reference teach that the width of the conductors is to be adjusted. The sections of the Fujita reference relied upon by the Examiner in making the rejection (col. 4, lines 57-67 and col. 5, lines 1-9) are completely silent on selecting a width to minimize conductor inductance but rather disclose that the spacing between capacitive legs may be adjusted. Thus, Applicants respectfully submit that the Fujita reference does not show or disclose each element of Applicants' present invention, as claimed in independent claims 1 and 11, particularly as amended. Therefore, Applicants' claimed invention is not anticipated by the Fujita reference. Claims 2-10 and 12-17 depend directly or indirectly from claims 1 and 11 and therefore are similarly allowable. Applicants respectfully request withdrawal of the rejection under 35 USC 102(e).

The rejection of claim 9 under 35 USC 103(a) over the Fujita and Eberler references is respectfully traversed. With respect to claim 9, Applicants respectfully submit that the Fujita and

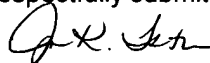
Eberler references do not disclose, suggest or teach the RF coil assembly having conductors having segmented slots for reducing eddy currents induced by the gradient coils of the MRI system. For reasons stated with reference to the rejection under 35 USC 102, Applicants submit claim 1, from which claim 9, depends is patentable over the Fujita reference in that the Fujita reference does not show, suggest or disclose Applicants' recited invention. The Eberler reference does not overcome the deficiencies of the Fujita reference in that it does not teach, show or disclose Applicants' recited conductors of a selected length and having a width selected for the RF coil assembly to resonate at substantially high frequencies, therefore the combination of the Fujita and Eberler references do not teach or suggest Applicants' invention as claimed in independent claim 1. The Eberler reference merely teaches a RF shield which is arranged between a gradient coil and a whole-body RF antenna and in one embodiment, the reference teaches slots in the shield. Thus, nowhere does the Eberler reference show or disclose Applicants' recited segmented slots in the conductors of a RF coil assembly as claimed in claim 9. Applicants respectfully submit that no reasonable combination of the Fujita and Eberler references, taken alone or in combination, would obtain Applicants' recited invention in claim 9. Applicants respectfully submit that the invention as recited in claim 9 is not obvious and is further allowable by dependency from claim 1 as discussed with reference to the rejection under 35 USC 102(e). Withdrawal of the rejection of claim 9 under 35 USC 103(a) is respectfully solicited.

Applicant respectfully submits that a terminal disclaimer is being filed in compliance with 37 CFR 1.321(c) to overcome the nonstatutory double patenting rejection on US Patents No. 6,538,441.

In view of the foregoing amendment and for the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is needed to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



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Attachments: Terminal Disclaimer